

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2004/007602

International filing date (day/month/year)  
08.07.2004

Priority date (day/month/year)  
08.07.2003

International Patent Classification (IPC) or both national classification and IPC  
C09D5/04, C08G18/80

Applicant  
AKZO NOBEL N. V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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10/564041

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/007602

**IAP20 Res'd PCT/PTO 09 JAN 2006**

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/007602

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-11,12-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11,12-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11,12-13
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

**10/564041**

International application No.

PCT/EP2004/007602

**Re Item V.**

**1AP20 Res'd PCT/PTO 09 JAN 2006**

- 1 The following documents are referred to in this communication:  
D1 : US 4 311 622 A (BUTER ROELOF) 19 January 1982 (1982-01-19)  
  
D2 : US 2002/082324 A1 (SANDEN JOHANNES BERNARDUS VAN ET AL) 27  
June 2002 (2002-06-27)  
D3 : PATENT ABSTRACTS OF JAPAN vol. 2003, no. 11, 5 November 2003  
(2003-11-05) &; JP 2003 183583 A (KUSUMOTO KASEI KK), 3 July 2003  
(2003-07-03)
2. Neither D1 or D2-3 discloses  
  
"Use as a sag control agent in a coating composition of a rheology modification  
agent..." as defined in claims 1 and 2-11 as well as "Coating compositions..." as  
defined in claims 12-13.
3. There is no hint or suggestion in D1 or D2-3, alone or in combination with other  
available prior art documents to lead one to the present subject-matter as solving  
optical performance in sagging.

**Re Item VIII.**

The following deficiencies should be overcome in accordance to Art. 6 PCT :

- 1.1 There is no support in the description for the claims.

It is pointed out that the description should be fully adapted / rendered consistent to the  
claims (cf. claim 1 and page 3).

- 1.2 Separate dependent claims should be drawn up for preferred embodiments (cf.  
claims 4 and 10.

- 1.3 How are the features of the independent claim exemplified ?

It is pointed out that any amendments to the worked examples are in violation to Art.  
34(2)(b) PCT.

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**WRITTEN OPINION OF THE  
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International application No.

PCT/EP2004/007602

1.4. The term "... , etc. ...." on page 11, line 8 and the word "...improved..." on page 15, line 20 of the description should be deleted.

Please be informed that the Examiner in Charge of the International Preliminary Examination may not carry out any amendments in the application even if requested to do so. Amendments should be filed on retyped pages (Rule 11.9 PCT), which are necessary for legibility and clarity reasons.

If amendments are carried out, the reply should indicate in detail (e.g. in the form of a list), where (page / line) these amendments find their support in the application as originally filed (PCT Guidelines Chapter VI, paragraphs 7.1-7.4) in order to verify that the requirements of Art. 34(2)(b) PCT have been fulfilled.

Additionally, the Applicant is requested to clearly point out on one of the new copies of the original pages, which amendments have been made (PCT Guidelines VI, paragraphs 7.1-7.4).

Any information the Applicant may wish to submit concerning the subject-matter of the invention, for example, further details of its advantages or problem it solves, and for which there is no basis in the application as filed, should be confined to the letter of reply rather than be incorporated into the application (Art. 34(b) PCT).

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